

Notice of Allowability

Application No.

10/071,066

Examiner

Calvin L. Hewitt II

Applicant(s)

JOHNSON, RICHARD C

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a communication with Applicant's representative on 11-14-2007.
2. ☒ The allowed claim(s) is/are 3-13, 15-20, 22, 45 and 46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 9-11-2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Status of Claims

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan W. Young on 14 November 2007.

2. The Application has been amended as follows-

45. (Currently Amended) A computer-implemented method of carrying out an electronic transaction that includes a payment from a buyer to a seller via a secure electronic draft, comprising the steps of:

storing on a server a document comprising the draft and a set of contingencies for releasing payment on the draft to the seller via a financial service provider;

assigning at least one secondary party to the transaction to at least one contingency of the set of contingencies;

linking a website to the server;

providing the buyer and the seller access to the transaction via the website;

providing restricted access to the contingencies to the secondary parties via the website, the restricted access enabling each secondary party to access [to] only the at least one contingency assigned to the secondary party;

authenticating the secondary party at the website;

based on the authentication, retrieving the assigned at least one contingency from the document and displaying the retrieved at least one contingency to the authenticated secondary party;

receiving, via an interaction between the displayed at least one contingency and a user interface of the authenticated secondary party, a request for removal of the contingency assigned to the authenticated secondary party;

responsive to the request, removing the at least one contingency assigned to the authenticated secondary party;

tracking removal of the set of contingencies at the server;

determining that each of the contingencies has been removed; and

based on the determination, releasing the payment to the seller via the financial service provider using the draft from the document.

3. Claims 3-13, 15-20, 22, 45 and 46 are allowed.

Reasons for Allowance

4. The present invention is directed to secure electronic transactions. Secure protocols for affecting payment from buyer to seller are old and well known. For example, Walker et al. (US 5,794,207) teach a device that participates in a transaction by authenticating buyers and sellers ('207, figures 14-18), storing conditions for completing the transaction in memory and determining whether the conditions are satisfied ('207, figure 10, item 1040) and transferring funds from a buyer account to a seller account ('207, column 21, lines 10-15). Ginter et al. (US 6,185,683) also teach a device for completing a transaction ('683, column/line 54/15-55/60). Specifically, Ginter et al. teach a device that stores an electronic list of conditions for completing a transaction wherein as conditions are completed, the device receives an electronic message indicating that a condition has been completed and in response to the message the device "checks" that condition on the list ('683, column/line 54/65-55/12; column 55, lines 23-54). Therefore, while Ginter et al. teach a device interacting with a condition, Ginter et

al. do not disclose a third party outside of a buyer or seller, such as a third party responsible for satisfying the conditions, interacting with the conditions using the device. The closest prior art of Hall et al. (USU 7,085,735) teach storing a document comprising conditions for completing a transaction on a device, displaying the conditions to an authenticated third party ('735, column 14, lines 4-17; column 16, lines 15-20) and the third party interacting with the conditions to indicate that a condition has been completed ('735, column 16, lines 10-25). Regarding payment conditions, Tozzoli et al. (US 5,717,989) teach a system issuing a funds transfer in response to payment conditions being met (e.g. goods have been shipped) ('989, abstract; figures 3A and B) (note: the draft of Tozzoli et al. refers to a "rough draft"- column 13, lines 35-45). Abecassis et al. disclose a similar feature ('281, column 8, lines 8-40), while Cooper (PGPUB 20030028491) teaches storing an electronic draft on a portable device ('491, abstract). However, the prior art neither singly or in combination teach or fairly suggest storing on a server a document comprising a secure electronic draft and a set of contingencies for releasing payment on the draft, retrieving at least one contingency from the document and displaying the retrieved contingency to an authenticated secondary party to whom the contingency is assigned and releasing payment to a seller using the draft from the document.

Conclusion

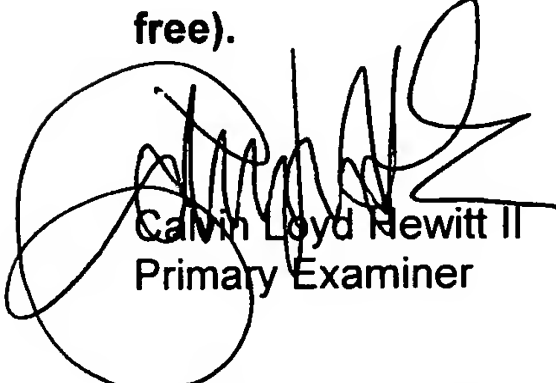
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
 - "Internet has become home for many mortgage shoppers", Tribune Media Services, The Plain Dealer, Cleveland Ohio, October 18, 1999
6. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer, can be reached at (571) 272-6779.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov/>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197 (toll-free)**.



Calvin Lloyd Hewitt II
Primary Examiner

November 18, 2007